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DEPARTMENTAL REGULATION		NUMBER: 4300-4
SUBJECT: Civil Rights Impact Analysis	DATE: September 22, 1993	
	OPI: Office of Civil Rights Enforcement	

1 PURPOSE

The Secretary has determined that in order to carry out Federal civil rights laws and policies there is a need for USDA agencies to identify and address the civil rights implications of proposed agency actions in their management and decision making procedures. This regulation implements that determination by requiring agencies to establish internal systems to identify and address the civil rights implications of proposed policy actions before those actions are approved and implemented.

2 POLICY

No person or group shall be discriminated against on the basis of race, color, sex, national origin, religion, age, disability, or marital or familial status in any employment practice or in any program conducted or assisted by the Department of Agriculture.

3 DEFINITIONS

a Proposed policy actions. Actions subject to the requirements of this regulation include but are not limited to:

- (1) new legislation or amendments to existing legislation proposed by the agency;
- (2) new or revised agency regulations or instructions;
- (3) budget proposals;
- (4) grants, contracts, loans, or project approvals or disapprovals;
- (5) reorganizations, and
- (6) office consolidations, closures or relocations.

- b Major civil rights impacts are those consequences of proposed policy actions which, if implemented, will negatively and disproportionately affect minorities, women, or persons with disabilities who are employees, program beneficiaries or applicants for employment or program benefits in USDA-conducted or assisted programs by virtue of their race, color, sex, national origin, religion, age, disability, or marital or familial status.

Examples of civil rights impacts may include but are not limited to the following:

- (1) An office relocation which results in increased commuting costs or lessened accessibility to low and moderately priced nondiscriminatory housing for minorities, women, and persons with disabilities which is disproportionately negative when compared to other persons.
- (2) New or amended legislation, budget proposals, program regulations, instructions or project approvals which, if implemented, may result in reduced program benefits to minorities, women, and persons with disabilities in ways which are disproportionately negative when compared to other persons.
- (3) Agency reorganizations which reduce employment opportunities for minorities, women, and persons with disabilities disproportionate to other persons.
- (4) Reductions-in-force which negatively and disproportionately affect minorities, women, or persons with disabilities when compared to other persons.

4 RESPONSIBILITIES

- a The Assistant Secretary for Administration will resolve questions regarding major civil rights impacts that cannot be resolved at the agency level.

b The Office of Civil Rights Enforcement, on behalf of the Assistant Secretary for Administration, will:

- (1) Review referred proposed policy actions and forward to the Assistant Secretary for Administration for resolution.
- (2) Provide technical assistance and informal advice to agencies in determining the applicability of this policy to specific proposed agency actions.

c Agencies will:

- (1) Identify and address major civil rights impacts of proposed actions on minorities, women, and persons with disabilities before the actions are approved and implemented.
- (2) Establish internal procedures which implement this policy. The following are examples of how this may be done:
 - (a) Include as part of agency clearance procedures a certification to the agency final approving authority that the civil rights impacts of proposed policy actions have been identified and addressed. Such certifications will provide assurance to the agency approving authority of compliance with this policy.
 - (b) Include documentation identifying and addressing civil rights impacts in background material used in the decision making process.
 - (c) Provide for routine review and sign off authority by the agency civil rights director.

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- (3) Refer proposed policy actions and supporting documentation which contain major civil rights impacts that cannot be resolved at the agency level to the Office of Civil Rights Enforcement for review. Such referrals will be made in:
 - (a) Situations in which the agency procedure requires approval by the agency civil rights director and he or she states that he or she cannot approve the policy action.
 - (b) Situations in which an agency head requests review by the Office of Civil Rights Enforcement and resolution by the Assistant Secretary for Administration.
 - (c) Situations in which the Secretary, Assistant Secretary for Administration, or Director, Office of Civil Rights Enforcement determines that resolution by the Assistant Secretary for Administration is necessary.
- (4) Certify to the Assistant Secretary for Administration that procedures to implement this policy have been established within 90 days of the effective date of this regulation.

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